

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GREGG L. BARNES,

Petitioner,

v.

V. ALMAGER, Warden,

Respondent.

Civil No. 07cv1757-J (NLS)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

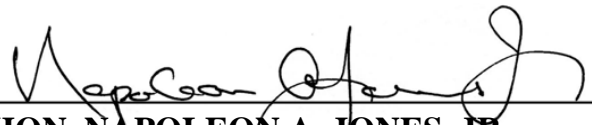
Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 but has failed to pay the \$5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than November 13, 2007**, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee.

Additionally, a Petition for a Writ of Habeas Corpus must be submitted in accordance with the Local Rules of the United States District Court for the Southern District of California. See Rule 2(d), 28 U.S.C. foll. § 2254. In order to comply with the Local Rules, the petition must be submitted upon a court-approved form and in accordance with the instructions approved by the Court. Id.; S.D.CAL. CIVLR HC.2(b). Presently, Petitioner has not submitted the application for a writ of habeas corpus on a court-approved form. If Petitioner wishes to proceed with this

1 case, he must, in addition to satisfying the filing fee requirement, submit, **no later than**
2 **November 13, 2007**, a First Amended Petition on a court-approved form. The Clerk of Court
3 shall send Petitioner a copy of the correct Southern District of California Amended Petition
4 form, and a copy of the Southern District of California In Forma Pauperis Application, along
5 with this Order. Petitioner's Motion for the Determination of Jurisdiction & Authority [Doc. No.
6 10] is **DENIED** without prejudice as moot.

7 **IT IS SO ORDERED.**

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10 **DATED: September 27, 2007**

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12 **HON. NAPOLEON A. JONES, JR.**
13 **United States District Judge**

14 CC: ALL PARTIES
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